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Rachel Dombrowski, Clerk
Appellate Court of Maryland
3/17/2025 5:07 PM

In the

Appellate Court of Maryland

* * *

No. ACM-REG-1325-2024

September Term, 2024

* * *

JUSTIN KYLE HOLDER

Appellant,

v.

WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS, ET AL.,

Appellees.

Appeal from the Circuit Court for Washington County, Maryland
(Hon. Judge Richard E. Jordan)

RECORD EXTRACT – VOLUME 5E

Jacob I. Weddle, Esq.
CPF NO. 0712120390
REMUS, WEDDLE & CAVENEE, LLC
18 WEST CHURCH STREET, SECOND FLOOR
FREDERICK, MARYLAND 21701
(301) 206-5770
jweddle@rwclawyers.com
Counsel for Plaintiff/Appellant

Record Extract
ACM-REG-1325-2024
Sept. Term 2024; No. 1325

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JUSTIN HOLDER v. WASHINGTON COUNTY BOARD OF COUNTY COMMISSIONERS, *et al.*
Circuit Court for Washington County Case No. C-21-CV-000097
Summary of Attorney's Fees and Costs

Date	Description	Invoice Term	Amount
31-Mar-21	Gordon & Simmons, LLC ("G&S")	02/25/2021-03/15/2021	2920.78
30-Jun-21	G&S	04/29/2021-06/25/2021	12000
4-Aug-21	G&S	06/28/2021-06/22/2021	5837.78
27-Aug-21	G&S	08/02/2021-08/24/2021	8000
29-Sep-21	G&S	08/25/2021-09/22/2021	460.41
28-Oct-21	G&S	10/18/2021-10/25/2021	680
1-Dec-21	G&S	11/03/2021-11/12/2021	145.21
29-Dec-21	G&S	12/05/2021-12/06/2021	990
31-Jan-22	G&S	01/06/2022-01/31/2022	742.5
11-Apr-22	Remus, Weddle & Cavenee, LLC ("RWC")	03/12/2022-03/29/2022	4592.5
14-Apr-22	RWC	02/24/2022-03/14/2022	2482
11-Jul-22	RWC	06/08/2022-06/16/2022	165
12-Oct-22	Jackie Smith - Bright Deposition		755
25-Nov-22	RWC	09/01/2022-10/24/2022	15482.5
20-Feb-23	RWC	11/11/2022-01/20/2023	1127.5
5-May-23	RWC	03/08/2023-04/11/2023	452.9
10-Sep-23	RWC	05/19/2023-07/31/2023	9000
14-Sep-23	Integrity Investigations & Processing (Levey)		182
15-Sep-23	Integrity Investigations & Processing (O'Neal)		182
22-Oct-23	RWC	08/01/2023-10/22/2023	22875
		Total	**89073.08**

PENGAD 800-631-6989
PLAINTIFF'S EXHIBIT
51

RE: Public information request

Michael, Joe <jmichael@washco-md.net>
Wed 10/14/2020 2:54 PM
To: Bright, Andrew <abright@washco-md.net>
Cc: Downey, Kirk <kdowney@washco-md.net>

Mr. Holder is under criminal investigation and pending prosecution for activities related to those communications.

From: Bright, Andrew <abright@washco-md.net>
Sent: Wednesday, October 14, 2020 2:47 PM
To: Michael, Joe <jmichael@washco-md.net>
Cc: Downey, Kirk <kdowney@washco-md.net>
Subject: Fw: Public information request

Joe,

Mr. Holder has renewed his request for email correspondence between Christine Morral and sheriff, deputy, or county official. I don't know the status of any investigation or cases. Thoughts?

Andy

From: Justin Holder <jholder2004@gmail.com>
Sent: Wednesday, October 14, 2020 1:49 PM
To: Bright, Andrew <abright@washco-md.net>; Downey, Kirk <kdowney@washco-md.net>
Subject: Re: Public information request

WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
Any claims of being a County official or employee should be disregarded.

Mr. Bright,
The case has been dismissed from district court against Christine Morral as of 9am today per case search. Adam Greivell by email which I will gladly forward if you do not take my word, has confirmed with Doug Mullendore that I have no investigation open against myself.

Please fulfill my August 3rd PIA referenced in email body.

Thank you,

Justin Holder

RESPONDENT'S
EXHIBIT
1
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On Mon, Aug 3, 2020, 2:32 PM Justin Holder <jholder2004@gmail.com> wrote:

> To whom it may concern:
>
> Please provide all email correspondance from the following email address "Morral7@msn.com"and any sheriff, deputy, county official from May 19th to present.

Please provide time and cost in 10 days

Thank you,
Justin Holder

[Quoted text hidden]

RESPONDENT'S EXHIBIT 2
PENGAD 800-631-6989

---------- Forwarded message ----------
From: "Michael, Joe" <jmichael@washco-md.net>
To: "Bright, Andrew" <abright@washco-md.net>, "Downey, Kirk" <kdowney@washco-md.net>
Cc: "dave@harbin-law.com" <dave@harbin-law.com>
Bcc:
Date: Thu, 21 Jan 2021 16:42:39 +0000
Subject: RE: Public Information Request (The 8/3/20 "Mistro")

Gentlemen:

As far as the criminal/natural resources charges pending against Mr. Holder from which his panoply of constitutional criminal rights flow, he is represented by Mr. Harbin. Hopefully that will ease the need to communicate further with Mr. Holder in proper person for the time being.

Joe Michael

From: Bright, Andrew <abright@washco-md.net>
Sent: Thursday, January 21, 2021 11:25 AM
To: Justin Holder <jholder2004@gmail.com>
Cc: Downey, Kirk <kdowney@washco-md.net>; info.osp@maryland.gov
Subject: Re: Public Information Request (The 8/3/20 "Mistro")

Dear Mr. Holder:

Thank you for your email of this morning. I share your devotion to the *Brady* Doctrine, and constitutionally protected rights generally.

Contrary to your assertion, the County Attorney is not a "member of the prosecution team." That is the role of the State's Attorney. The "commissioners" that you indicate issued a summons against you, was not the Board of County Commissioners, for whom I work. It may have been a District Court Commissioner, but I have no knowledge of that.

For better or worse, the County is in possession of the Sheriff's email server. However, I can assure you that the County Attorney's office has no desire to involve itself in whatever criminal prosecution is pending against you.

If there is exculpatory evidence in the possession of the Sheriff's department or the office of the State's Attorney, the obligations of *Brady v. Maryland* must be honored by the State's Attorney's Office. It is not my prerogative to act on behalf of the State's Attorney.

Sincerely,

Andy Bright

B. Andrew Bright
Assistant County Attorney
Washington County Administration Complex
100 West Washington Street, Suite 1101
Hagerstown, MD 21740
P: (240) 313-2230 | F: 240-313-2231
www.washco-md.net

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From: Justin Holder <jholder2004@gmail.com>

Jason Parkins

From: Jason Parkins
Sent: Thursday, July 29, 2021 2:53 PM
To: Michael, Joe
Subject: RE: Affidavit Michael

Mr. Michael,

Apologies for the second email. I am just following up on my previous email and the affidavit. Let me know if you have any issues with the affidavit. I immensely appreciate your assistance, thanks.

Best regards,

Jason

From: Jason Parkins
Sent: Wednesday, July 28, 2021 12:41 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: RE: Affidavit Michael

Mr. Michael,

I am contacting you again on behalf of Mr. Karpinski regarding the Holder matter. We are filing a motion to alter or amend the Court's judgment on our Motion to Dismiss. Attached is an affidavit we drafted that we would like to attach to one of the motion. It is a revised version of the earlier affidavit you signed, in which we added some additional factual information. Feel free to make any edits as you see fit. If you are comfortable with signing it, could you please sign and return it to us? Our motion is due by Monday, so we would like to have it before then. Let me know if you have any issues with the contents of the affidavit or any other questions or concerns. Thanks.

Best regards,

Jason

From: Michael, Joe <jmichael@washco-md.net>
Sent: Tuesday, July 20, 2021 3:34 PM
To: Jason Parkins <jparkins@bkcklaw.com>
Cc: Kevin Karpinski <kevin@bkcklaw.com>
Subject: RE: Affidavit Michael

Mr. Parkins and Mr. Karpinski:

Here is my affidavit. Note: the State concluded the charges against Mr. Holder last week. I would continue to characterize

RESPONDENT'S EXHIBIT 3
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the case as "under investigation", however, as he could be recharged if he reinstigates with his neighbors.

From: Jason Parkins <jparkins@bkcklaw.com>
Sent: Tuesday, July 20, 2021 3:24 PM
To: Michael, Joe <jmichael@washco-md.net>
Cc: Kevin Karpinski <kevin@bkcklaw.com>
Subject: RE: Affidavit Michael

Mr. Michael,

Just following up on my earlier email, as you directed me to when we spoke earlier. If you could, we immensely appreciate you returning a scanned copy of the hand-signed affidavit before the end of the day, so we can file it today. Thanks and let me know if you have any concerns or issues in transmitting it.

Best regards,

Jason C. Parkins, Esq.
Karpinski, Cornbrooks & Karp, P.A.
120 East Baltimore Street
Suite 1850
Baltimore, Maryland 21202
Telephone: 410-727-5000
Facsimile: 410-727-0861
jparkins@bkcklaw.com

From: Jason Parkins
Sent: Tuesday, July 20, 2021 8:29 AM
To: Michael, Joe <jmichael@washco-md.net>
Cc: Kevin Karpinski <kevin@bkcklaw.com>
Subject: RE: Affidavit Michael

Mr. Michael,

I hope all is well. As you may recall, you previously signed an affidavit to support a Motion to Dismiss in *Holder v. Washington County*. I did not realize at the time, but Rule 20-107(d) requires that affidavits be hand-signed. Your signature on the previous affidavit was digital. So, I am attaching an unsigned copy of the affidavit. If you could, would you please hand-sign it and return it to me? This is a somewhat short-fused issue, because there is a hearing on our Motion tomorrow morning, and the Plaintiff has filed a motion to strike your affidavit. So, we will need it before tomorrow morning. If you have any questions or concerns, do not hesitate to contact me. Thanks.

Best regards,

Jason C. Parkins, Esq.

Karpinski, Cornbrooks & Karp, P.A.
120 East Baltimore Street
Suite 1850
Baltimore, Maryland 21202
Telephone: [illegible]0-727-5000
Facsimile: 410-727-0861
jparkins@bkcklaw.com

From: Michael, Joe <jmichael@washco-md.net>
Sent: Friday, April 23, 2021 11:35 AM
To: Jason Parkins <jparkins@bkcklaw.com>
Subject: Affidavit Michael

I made one change to paragraph 5 and signed.

Kevin Karpinski

From: Downey, Kirk <kdowney@washco-md.net>
Sent: Tuesday, July 27, 2021 10:23 AM
To: Kevin Karpinski
Subject: FW: HOLD THE PHONE

From: Michael, Joe <jmichael@washco-md.net>
Sent: Tuesday, July 27, 2021 10:22 AM
To: Bright, Andrew <abright@washco-md.net>; Downey, Kirk <kdowney@washco-md.net>
Subject: HOLD THE PHONE

Mr. Holder has appealed and all of the charges are going to be reinstated.

RESPONDENT'S EXHIBIT 4

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Kevin Karpinski

From:	Downey, Kirk <kdowney@washco-md.net>
Sent:	Thursday, August 12, 2021 9:06 PM
To:	Kevin Karpinski
Subject:	Fwd: RE: Question Regarding Justin Holder v. Christine Morral, et al. Request for Production
Categories:	My Contacts

---------- Forwarded message ----------
From: "Michael, Joe" <jmichael@washco-md.net>
Date: Aug 12, 2021 4:47 PM
Subject: RE: Question Regarding Justin Holder v. Christine Morral, et al. Request for Production
To: PD R <peter.d.rogers1@gmail.com>
Cc: "Downey, Kirk" <kdowney@washco-md.net>

Please contact county attorney Kirk Downey and/or outside counsel. I think his name is Keven Karpinsky.

From: PD R <peter.d.rogers1@gmail.com>
Sent: Thursday, August 12, 2021 2:20 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Question Regarding Justin Holder v. Christine Morral, et al. Request for Production

Mr. Michael,

My name is Peter Rogers and I am the attorney for Christine Morral in the case *Justin Holder v. Christine Morral, et al.* (C-21-CV-21-000116).

Mr. Holder has requested the production of emails between you and Christine Morral and I wanted to ask you whether you view them as protected by the attorney-client privilege. The emails I have in my possession are all from June 26, 2020. I wanted to ask as there may be some work product present in your replies regarding citations filed against Mr. Holder by the state.

I also understand you have provided an affidavit in another case involving Mr. Holder and that your communications with Ms. Morral may have been the subject matter of the document. If you could let me know what that entails it will be a big help in determining our response to the requests and whether we will claim a privilege or not.

Please let me know, and thank you.

My number is 410-913-0156, and email works just as well: peter.d.rogers1@gmail.com

Talk to you later,

RESPONDENT'S EXHIBIT S
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Downey, Kirk

From: O'Neal, Joshua
Sent: Wednesday, June 17, 2020 4:17 PM
To: McCarty, Rachael
Cc: Downey, Kirk; Bright, Andrew
Subject: RE: Public information request

Categories: Green Category

Well, the request wasn't clear due to poor wording, but if I interpret it to mean all email to/from Barry in the past three years, this results in 45,239 emails totaling 5.87 GB.

-Josh

From: McCarty, Rachael <rmccarty@washco-md.net>
Sent: Wednesday, June 17, 2020 1:54 PM
To: O'Neal, Joshua <joneal@washco-md.net>
Cc: Downey, Kirk <kdowney@washco-md.net>; Bright, Andrew <abright@washco-md.net>
Subject: FW: Public information request

Another one – I believe this is Request #7.

Washington County
MARYLAND

Rachael McCarty
Legal Secretary
Office of the County Attorney
Washington County Administration Complex
100 West Washington Street, Suite 1101
Hagerstown, MD 21740
P: (240) 313-2233 | F: 240-313-2231
www.washco-md.net

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From: Downey, Kirk <kdowney@washco-md.net>
Sent: Monday, June 15, 2020 3:58 PM
To: Bright, Andrew <abright@washco-md.net>; McCarty, Rachael <rmccarty@washco-md.net>
Subject: FW: Public information request

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From: Justin Holder <jholder2004@gmail.com>
Sent: Monday, June 15, 2020 3:49 PM
To: Downey, Kirk <kdowney@washco-md.net>
Subject: Public information request

Please provide all emails between the email address blevey@washco-md.net for the past 3 years. Please respond in 10 days with a time and cost.

Thank you

Re: Public information request from Justin Holder

Bright, Andrew <abright@washco-md.net>
Tue 8/4/2020 4:18 PM
To: McCarty, Rachael <rmccarty@washco-md.net>
Cc: Desaulniers, Kendall A. <kdesaulniers@washco-md.net>

1 attachments (210 KB)
8.4.20 Reponse to 8.3.20 PIA (1).docx;

Rachael,

See edited response attached.

Andy

From: McCarty, Rachael <rmccarty@washco-md.net>
Sent: Tuesday, August 4, 2020 3:35 PM
To: Bright, Andrew <abright@washco-md.net>
Cc: Desaulniers, Kendall A. <kdesaulniers@washco-md.net>
Subject: RE: Public information request from Justin Holder

Thanks, Andy.
I had just sent an email a few minutes earlier with a response to Mr. Holder.

Please see the attached.

Washington County
MARYLAND

Rachael McCarty
Legal Secretary
Office of the County Attorney
Washington County Administration Complex
100 West Washington Street, Suite 1101
Hagerstown, MD 21740
P: (240) 313-2233 | F: 240-313-2231
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From: Bright, Andrew <abright@washco-md.net>
Sent: Tuesday, August 4, 2020 3:23 PM

RESPONDENT'S
EXHIBIT
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To: McCarty, Rachael <rmccarty@washco-md.net>
Cc: Desaulniers, Kendall A. <kdesaulniers@washco-md.net>
Subject: Fw: Public information request from Justin Holder

Hey Rachael, FYI.

I will draft a denial response and send it over to you.

Andy

From: Michael, Joe <jmichael@washco-md.net>
Sent: Tuesday, August 4, 2020 3:07 PM
To: Bright, Andrew <abright@washco-md.net>
Subject: RE: Public information request from Justin Holder

Ongoing investigation and pending charges.

From: Bright, Andrew <abright@washco-md.net>
Sent: Tuesday, August 4, 2020 2:32 PM
To: Michael, Joe <jmichael@washco-md.net>
Cc: Downey, Kirk <kdowney@washco-md.net>
Subject: Public information request from Justin Holder

Hello Joe

As you will see from the thread below, we received a PIA request from a Justin Holder seeking emails from an email belonging to Christine or Scott Morral "and any sheriff, deputy, county official. " The search by IT yielded only these emails between the Morrals and you.

Question: are these emails records of any ongoing investigation, protected by GP Art., 4-351? If not, I think I should send them to him.

Andy

From: O'Neal, Joshua <joneal@washco-md.net>
Sent: Monday, August 3, 2020 4:16 PM
To: Bright, Andrew <abright@washco-md.net>
Cc: McCarty, Rachael <rmccarty@washco-md.net>
Subject: RE: 23rd(?) Public information request from Mr. Holder

16 emails fall under the parameters specified by Mr. Holder. Attached in a zip file.

-Josh

From: Bright, Andrew <abright@washco-md.net>
Sent: Monday, August 3, 2020 3:21 PM
To: O'Neal, Joshua <joneal@washco-md.net>
Cc: McCarty, Rachael <rmccarty@washco-md.net>
Subject: Fw: 23rd(?) Public information request from Mr. Holder

Josh

at least four years, or if four years have elapsed from the date of the written disclosure of the invention to the institution.

5. Certain Proprietary Information Owned by the Maryland Technology Development Corporation or Senior Higher Education Institutions

GP § 4-348 allows protection of trade secret, confidential commercial information, and confidential financial information owned, in whole or in part, by the Maryland Technology Development Corporation or by a public senior higher education institution (Morgan State University, St. Mary's College, and constituent institutions of the University of Maryland) in connection with economic development efforts and certain arrangements with the private sector.

6. Real Estate Appraisals

GP § 4-349 concerns appraisals of real estate contemplated for acquisition by a State or local entity. An appraisal need not be disclosed until title has passed to that entity. However, the contents of the appraisal are available to the owner of the property at any time, unless some other statute would prohibit access.

7. Location of Plants, Animals, or Property

GP § 4-350 allows a custodian to deny inspection of a record that contains the location of an endangered or threatened species of plant or animal, plants and animals in need of conservation, a cave, or an historic property. However, this provision does not authorize the denial of information requested by the property owner or by any entity authorized to take the property through condemnation.

8. Investigatory Records

GP § 4-351 permits the withholding of certain investigatory records and records that contain intelligence information and security procedures. The determinations required of the custodian vary depending on the particular records at issue.

For certain named agencies, the custodian may deny the right of inspection of records of investigations conducted by the agency, intelligence information, or security procedures. The listed agencies are: any sheriff or police department, any county or city attorney, State's Attorney, or the Attorney General's office. GP § 4-351(a)(1). This

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exception also applies to intelligence information and security procedures of these agencies, as well as of State and local correctional facilities. GP § 4-351(a)(3). Although not listed in GP § 4-351(a)(1), the State Prosecutor is considered in the same category as a State's Attorney. *Office of the State Prosecutor v. Judicial Watch, Inc.*, 356 Md. 118, 141 (1999). Many records received or created by law enforcement agencies may fall within this category. *See, e.g.*, 92 *Opinions of the Attorney General* 26, 44 (2007) (mug shot considered an investigatory record). Not every record in the possession of the law enforcement agency constitutes a record of an investigation, however. *See, e.g.*, 63 *Opinions of the Attorney General* 543, 547 (1978) (arrest logs not investigatory records).

When the records in question are investigatory, and when they come from one of these enumerated agencies, the exception applies without any need for an actual showing that the records were compiled specifically for law enforcement or prosecution purposes. The Court of Appeals has instead held that the investigatory records of one of the seven enumerated agencies are presumed to be for law enforcement purposes. *Superintendent v. Henschen*, 279 Md. 468, 475 (1977); *see also Blythe v. State*, 161 Md. App. 492, 525 n.6 (2005). Thus, an enumerated agency need not make a particularized showing of a law enforcement purpose to justify the withholding of a record relating to a criminal investigation. *See Office of the State Prosecutor*, 356 Md. at 140. As discussed further below (at page 3-43), however, once an investigation is closed, disclosure is less likely to be "contrary to the public interest," and courts will require a more particularized factual basis for the separate requirement that the denial be in the "public interest." *City of Frederick v. Randall Family, LLC*, 154 Md. App. 543, 562-67 (2004); *Prince George's County v. Washington Post Co.*, 149 Md. App. 289, 333 (2003).

On the other hand, the investigatory files of other agencies are exempt from disclosure only if there is a demonstration that the agency compiled them for a law enforcement, judicial, correctional, or prosecution purpose. GP § 4-351(a)(2). What constitutes a "law enforcement" purpose within the meaning of this exemption is broad; the exemption "'covers investigatory files related to enforcement of [a]ll kinds of laws, labor and securities laws as well as criminal laws. This would include files prepared in connection with related Government litigation and adjudicative proceedings.'" *Equitable Tr. Co. v. State, Comm'n on Human Relations*, 42 Md. App. 53, 76

(1979), *rev'd on other grounds*, 287 Md. 80 (1980) (quoting *Wellman Indus., Inc. v. NLRB*, 490 F.2d 427, 430 (4th Cir. 1974)); *see also ACLU v. Leopold*, 223 Md. App. 97, 128 (2015); Letter of Assistant Attorney General Robert A. Zarnoch to Senator Nathaniel J. McFadden and Delegate Stephen J. DeBoy, Sr. (Nov. 8, 2007) (investigations by State Ethics Commission), *but cf.* 71 *Opinions of the Attorney General* 305, 313-14 (1986) (agency's citizen response plan log ordinarily not an investigatory file). An agency, however, has the burden of demonstrating that it meets this criterion. *Fioretti v. State Board of Dental Examiners*, 351 Md. 66, 82 (1998) ("The agency must, in each particular PIA action, demonstrate that it legitimately was in the process of or initiating a specific relevant investigative proceeding in order to come under the aegis of the exemption."). Even if the agency makes such a showing, when the agency asserts that disclosure would "prejudice an investigation," the agency may be required to make a particularized showing of prejudice. *Id.* at 86-91; *but see id.* at 91-95 (Raker, J., concurring) (characterizing latter holding as "dicta"); *see also Bowen v. Davison*, 135 Md. App. 152, 160 (2000). For further discussion of satisfying the agency's burden when withholding investigatory records, *see* Chapter 5.A.3, below.

Records that relate to an administrative or criminal investigation of misconduct by a police officer are subject to the discretionary exemption for investigatory records. GP § 4-351(a)(4). Until October 1, 2021, *see* 2021 Md. Laws, ch. 62, such investigatory records were withheld under the mandatory exemption for personnel records. *See* Part B.4 of this Chapter, above. These records include internal affairs files, hearing records, and records related to disciplinary decisions, but do not include records of "technical infractions," which are considered personnel records that must be withheld under GP § 4-311. *See* Part B.4 of this Chapter, above.

A custodian must allow inspection of a record related to misconduct by a police officer by certain individuals, namely the United States Attorney, the Attorney General, the State Prosecutor, or the State's Attorney for the jurisdiction relevant to the record. GP § 4-351(c). When a custodian determines that inspection is warranted by anyone other than these individuals, the custodian has the responsibility to redact certain information. The custodian must redact the record to the extent that it reflects medical information of the person in interest, personal contact information of the person in interest or a witness, or information relating to the family of the person in interest. GP § 4-351(d)(1). A custodian may, in his or her discretion, redact witness information other than personal contact information, even if he or she determines that inspection of additional portions of the file would not be contrary to the public interest and are therefore disclosable. GP § 4-351(d)(2). It appears that a custodian also continues to have discretion to redact other information not explicitly described in subsection (d) of the statute if the custodian determines that disclosure would not be in the public interest. *See* GP § 4-351(a); *see also* GP § 4-343. Finally, a custodian is required to notify the person in interest when the record is inspected but may not disclose the identity of the requester. GP § 4-351(e).

In carrying out its statutory function, an agency might have records obtained from investigatory files of another agency. In these circumstances, it is appropriate for the agency to withhold investigatory materials if the agency that provided the information would itself deny access under the investigatory records exemption. 89 *Opinions of the Attorney General* 31, 44 (2004) (addressing records of the Office of the Independent Juvenile Justice Monitor collected in the investigation of Department of Juvenile Services facilities).

Maryland's current investigatory records exception is similar to the investigatory records exemption in FOIA, 5 U.S.C. § 552(b)(7), and the case law developed under that exemption should be of assistance in interpreting GP § 4-351. *Faulk v. State's Attorney for Harford County*, 299 Md. 493, 506-11 (1984). FOIA cases also discuss criteria for determining whether a record was compiled for law enforcement purposes. *See, e.g.*, *John Doe Agency v. John Doe Corp.*, 493 U.S. 146, 153-55 (1990) (information or records not initially obtained for law enforcement purposes may qualify for the exemption if they were subsequently compiled for such purposes before the government invokes the exemption); *Rosenfeld v. Department of Justice*, 57 F.3d 803, 808 (9th Cir. 1995) (where compiling agency has clear law enforcement mandate, government has easier burden to establish that record it seeks to withhold was compiled for law enforcement purposes; under these circumstances, the government need only establish rational nexus between the enforcement of federal law and the document for which the law enforcement exemption is claimed); *see also* 55 A.L.R. Fed. 583.

A custodian of investigatory records must nonetheless disclose them to any person, unless the custodian determines that disclosure would be "contrary to the public interest" or unless other law would prevent disclosure. For example, the Court of Appeals held that it would be contrary to the public interest to disclose the Baltimore

KARPINSKI, CORNBROOKS & KARP, P.A.
ATTORNEYS AT LAW
120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202-1617

KEVIN KARPINSKI *
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MICHAEL B. RYND

J. MICHAEL COLLITON *
DANIEL M. SCAPARDINE
JASON C. PARKINS
ASHLEY C. FISHER

* Admitted in MD and DC

Telephone 410-727-5000
Facsimile 410-727-0861
Email: kevin@bkcklaw.com
Website: www.kcklegal.com

DANIEL KARP *
OF COUNSEL

RICHARD T. COLARESI
RETIRED

August 23, 2021

Via Electronic Mail Only
Justin Holder
Jholder2004@gmail.com

Re: PIA Request to Washington County
My File No.: 341-125

Dear Mr. Holder:

As you know, my office represents Washington County (the "County") in certain matters. I have exchanged numerous telephone calls with your attorney, Jacob I. Weedle, concerning the most recent request for records that you made to the County pursuant to Maryland Public Information Act, Maryland Code, § 4-101 *et seq.* of the General Provisions Article. Please find the attached emails that are responsive to your request.

Feel free to contact me if you have any concerns about this letter. If you have any questions regarding the Public Information Act process, you may also contact the Public Access Ombudsman pursuant to Maryland Code, §4-1B-01 of the General Provisions Article.

Best regards,

Karpinski, Cornbrooks & Karp, P.A.

/s/

By: Kevin Karpinski

Attachments

RESPONDENT'S EXHIBIT 9
PENGAD 800-631-6989

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Wednesday, June 24, 2020 11:07 PM
To: townhall@keedysvillemd.com
Cc: dmullendore@washco-md.net; rwilkinson@washco-md.net
Subject: Deena and Justin Holder

I last emailed you to notify you of the threats Justin Holder made about tearing down our fence and removing our very large piece of rail road rock (from 1867). It seems that Justin and his wife Deena feel that a deed written on papyrus, in another person's name, has given them rights to our property and those around us. They can never prove chain of custody for land that has changed hands over four times and has been cared for, maintained and used for over 150 years by someone other than them.. We have had our property surveyed and authenticated. The Department of Natural Resources has had their property surveyed. There is no easement!!!! At the time that I previously wrote to you I was hoping to be proactive. He had threatened to damage property owned by the State of Maryland, Keedysville and a private owner. You were unable to help. One week later. Justin followed though on his threat. He was charged with 4 DNR counts, relating to his destruction of property.

At what point does a resident's behavior change from civil nuisance to criminal?
The purchase of their property is interesting. On the heals of a federal investigation, they bought property in Keedysville. They paid cash. With an LLC that is virtually non existent. They have had 8 transactions of property with 5 separate LLC names in New Mexico. All of which happened during the Federal EPA investigation.

They have succeeded in intimidating our town, other residents, our Mayor and our representatives. Last week he threatened Nora Robert's son Dan and his wife Charlotte on social media. We know that he is directly related to Barry Levey (Assistant Mayor of Keedysville and his wife Donna).
Not criminal yet?

We found Justin Holder today waking inside our obviously marked "Do not trespass signs", on the phone with someone talking about further damage to property that is not his.

You have had more than enough neighbors call and email you with concerns. We feel Deena and Justin Holder may be dangerous. Their impulsive trespassing, unsolicited United States Postal service letters, and damage to property against many in our town is concerning. But, what has become more concerning is the Town of Keedysville's inaction to the fullest of their capability to protect us and our property.

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 1:37 PM
To: jmichael@washco-md.net
Subject: Re: Concerns in our community

also, your Victim assistance rep was very kind and helpful. This has been a very stressful time. We haven't used our backyard for a month for fear.
Please thank her

Sent from my iPhone

> On Jun 26, 2020, at 10:07 AM, Christine Morral <morral7@msn.com> wrote:
>
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> Christine and Scott Morral

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 2:35 PM
To: Michael, Joe
Subject: Re: Concerns in our community

He has threatened to tear our fence down (and neighbors) and build a driveway with gravel through our backyard, under the guides of a deed that has the previous name of owner to his property. His actual deed does not look like the "wagon trail" transferred. We have used, maintained and lived on our small ~1/2 acre for four years. It was developed and surveyed back in 2005. The large beautiful 50 foot trees and large rail road (tons) rock are evidence that the "wagon trail" has not existed in at least 50 years.

Sent from my iPhone

> On Jun 26, 2020, at 2:14 PM, Michael, Joe <jmichael@washco-md.net> wrote:
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> Sent from my iPad
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>> WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
>>
>> Any claims of being a County official or employee should be disregarded.
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Thank you,
Christine and Scott Morral

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 2:45 PM
To: Michael, Joe
Subject: Re: Concerns in our community

It also looks to me that the back of our yard has a water drainage and storm protected area he would have to go through. It also looks like he may have already done damage to the drainage and storm protected area during his DNR damage on May 29th. Behind our adjoining neighbors yards.

Sent from my iPhone

> On Jun 26, 2020, at 2:34 PM, Christine Morral <morral7@msn.com> wrote:
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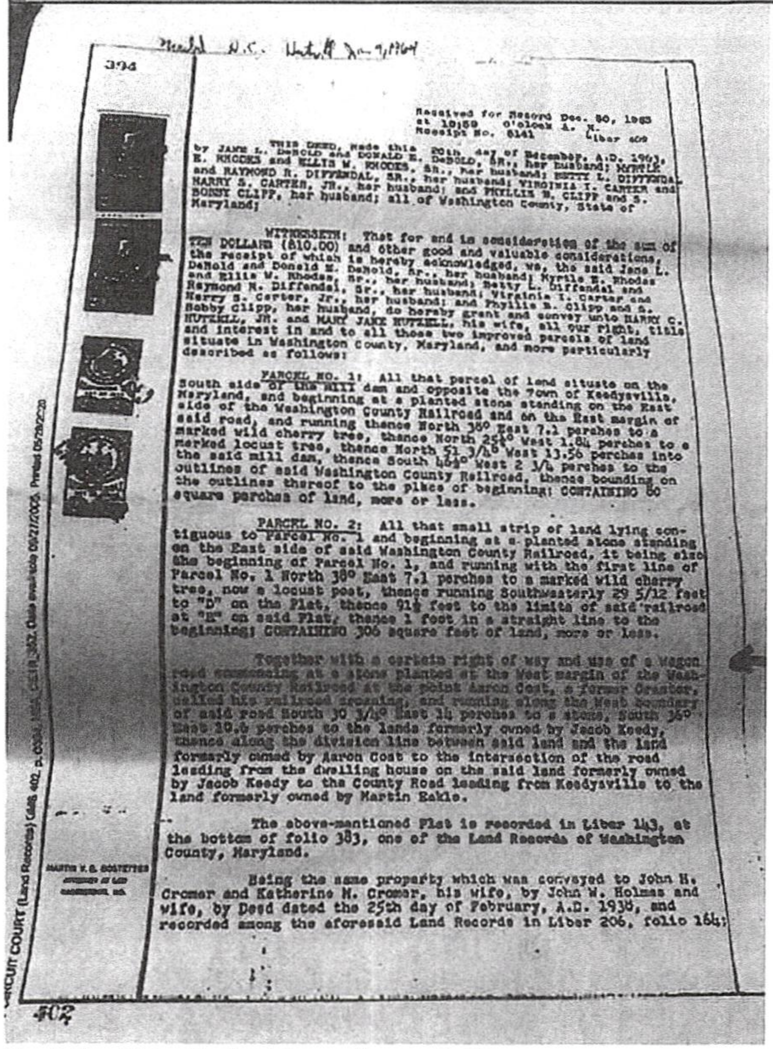
McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 3:03 PM
To: Michael, Joe
Subject: Re: Concerns in our community



Mailed H.C. Hutzell Jan 9, 1964

394

Received for Record Dec. 30, 1963
at 10:59 O'clock A. M.
Receipt No. 6141 Liber 409

THIS DEED, Made this 20th day of December, A.D. 1963, by JANE L. DeBOLD and DONALD E. DeBOLD, SR., her husband; MYRTLE E. RHODES and ELLIS W. RHODES, SR., her husband; BETTY L. DIFFENDAL and RAYMOND R. DIFFENDAL, SR., her husband; VIRGINIA I. CARTER and HARRY S. CARTER, JR., her husband; and PHYLLIS B. CLIPP and BOBBY CLIPP, her husband; all of Washington County, State of Maryland;

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the said Jane L. DeBold and Donald E. DeBold, Sr., her husband; Myrtle E. Rhodes and Ellis W. Rhodes, Sr., her husband; Betty L. Diffendal and Raymond R. Diffendal, Sr., her husband; Virginia I. Carter and Harry S. Carter, Jr., her husband; and Phyllis B. Clipp and Bobby Clipp, her husband, do hereby grant and convey unto HARRY C. HUTZELL, JR. and MARY JANE HUTZELL, his wife, all our right, title and interest in and to all those two improved parcels of land situate in Washington County, Maryland, and more particularly described as follows:

PARCEL NO. 1: All that parcel of land situate on the South side of the Mill dam and opposite the Town of Keedysville, Maryland, and beginning at a planted stone standing on the East side of the Washington County Railroad and on the East margin of said road, and running thence North 38° East 7.1 perches to a marked wild cherry tree, thence North 25½° West 1.84 perches to a marked locust tree, thence North 51 3/4° West 13.56 perches into the said mill dam, thence South 40½° West 2 1/4 perches to the outlines of said Washington County Railroad, thence bounding on the outlines thereof to the place of beginning; CONTAINING 80 square perches of land, more or less.

PARCEL NO. 2: All that small strip of land lying contiguous to Parcel No. 1 and beginning at a planted stone standing on the East side of said Washington County Railroad, it being also the beginning of Parcel No. 1, and running with the first line of Parcel No. 1 North 38° East 7.1 perches to a marked wild cherry tree, now a locust post, thence running Southwesterly 29 5/12 feet to "D" on the Plat, thence 91½ feet to the limits of said railroad at "E" on said Plat, thence 1 foot in a straight line to the beginning; CONTAINING 306 square feet of land, more or less.

Together with a certain right of way and use of a wagon road commencing at a stone planted at the West margin of the Washington County Railroad at the point Aaron Cost, a former Grantor, called his railroad crossing, and running along the West boundary of said road South 30 3/4° East 14 perches to a stone, South 36° East 19.6 perches to the lands formerly owned by Jacob Keedy, thence along the division line between said land and the land formerly owned by Aaron Cost to the intersection of the road leading from the dwelling house on the said land formerly owned by Jacob Keedy to the County Road leading from Keedysville to the land formerly owned by Martin Eakle.

The above-mentioned Plat is recorded in Liber 143, at the bottom of folio 383, one of the Land Records of Washington County, Maryland.

Being the same property which was conveyed to John H. Cromer and Katherine M. Cromer, his wife, by John W. Holmes and wife, by Deed dated the 25th day of February, A.D. 1938, and recorded among the aforesaid Land Records in Liber 206, folio 164;

MARTIN V. B. BOSTETTER
ATTORNEY AT LAW
HAGERSTOWN, MD.

CIRCUIT COURT (Land Records) [illegible] 402, p. 0394, [illegible] CE18_352. Date available 09/27/2005. Printed 05/28/2020

402

Here is the old deed he is relying on..."wagon trail"
Sent from my iPhone

On Jun 26, 2020, at 2:56 PM, Michael, Joe <jmichael@washco-md.net> wrote:

Okay. I am not an expert in this kind of civil proceeding, but if you have title insurance, and the existence of a claim of a existing wagon trail in the chains of title on file was not disclosed to you in your title search, it's your title insurer's duty to put this right.

Here is the basic problem in criminal court: if he has a recorded piece of paper that says that there is a right of way appurtenant to his property across the neighboring properties, whether it has been extinguished or not, and whether it will win him a civil suit or not won't matter. He just has to generate a reasonable doubt as to whether he has a right or not, and the State has the burden of proving that he does not, which without a Circuit Court order showing that one of the other parties has quieted the title to the disputed property we can't do in the criminal court, and everyone walks out of court no better off.

The state has filed several citations against Mr. Holder which we will prosecute. My plan is to show that he is violation even if his alleged right is valid because he may violating other state laws..

I encourage you to get the property rights resolved in the Circuit Court, which has the power to enjoin him from disturbing the property until it has resolved the dispute if it finds the appropriate grounds.

My other suggestion is to find out what document he is relying on, and without admitting that it gives him any rights at all demonstrate that even if it does give him rights he still can't cut tree X, or tear down fence Y. It is just an assumption on my part, I am willing to bet that he is exceeding the flimsy "rights" that he is saying the old deeds give him.

The State will help anyway that is appropriate, but criminal court won't get rid of this problem because the District Court has no jurisdiction to determine disputed land rights. It can only enforce violations like destruction and trespass on rights that are recorded in the circuit court land records, or resolved by the circuit court sitting as a court of equity.

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 2:35 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

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McCarty, Rachael

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Sent: Friday, June 26, 2020 3:09 PM
To: Michael, Joe
Subject: Re: Concerns in our community

The wagon trail does not give him access to his property at all. He has a driveway. I can not figure out one reasonable explanation for him doing this where the damage can be mitigated. I have pounded my head and cannot understand. There is a 30 foot ravine from the old rail. He would need a bridge on the "wagon trail" to get to his property.

Sent from my iPhone

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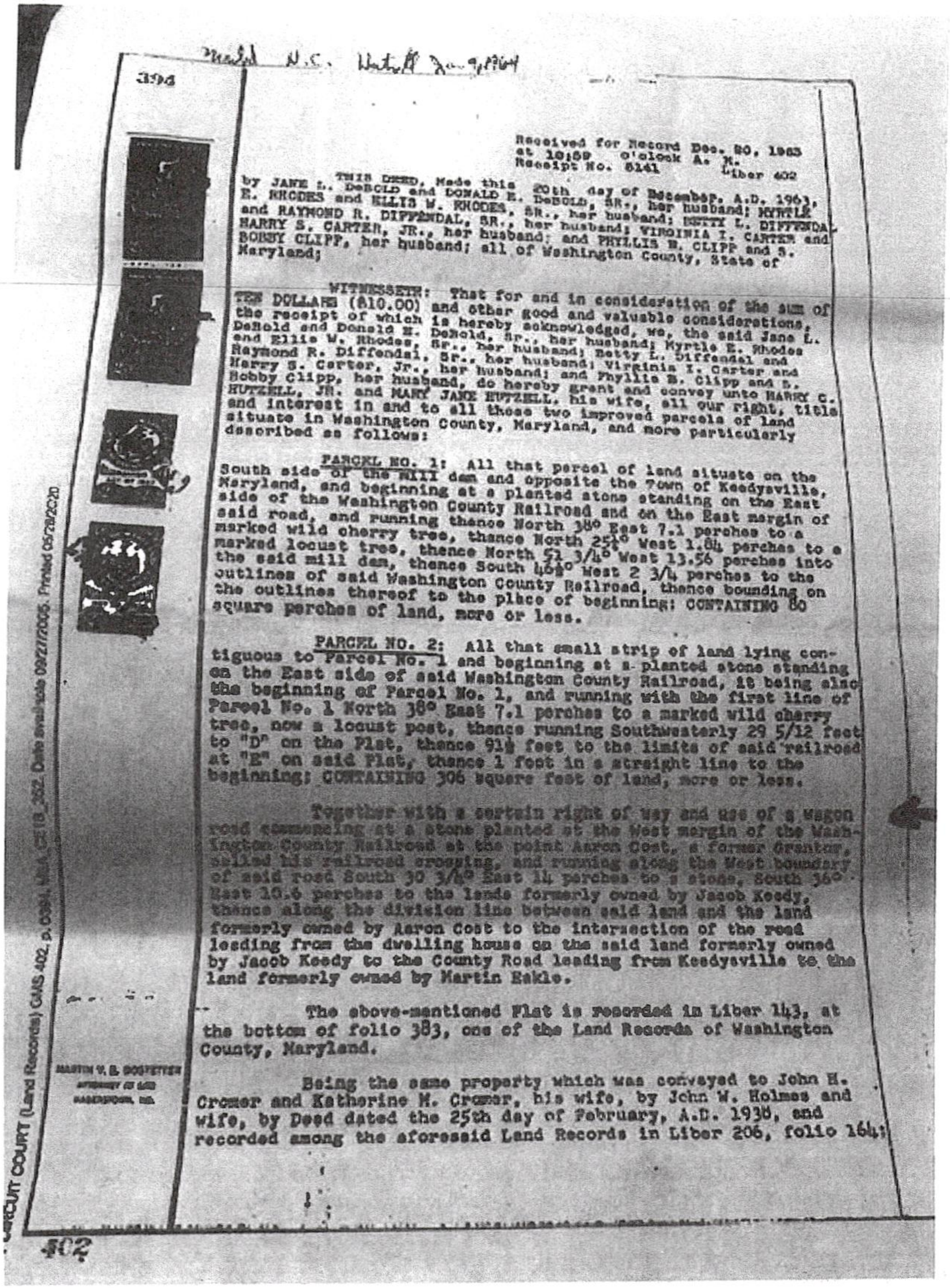

Mailed H.C. Hutzell Jan 9, 1964

Received for Record Dec. 20, 1963
at 10:59 o'clock A. M.
Receipt No. 8141 Liber 402

THIS DEED, Made this 20th day of December, A.D. 1963, by JANE L. DeBOLD and DONALD E. DeBOLD, SR., her husband; MYRTLE E. RHODES and ELLIS W. RHODES, SR., her husband; BETTY L. DIFFENDAL and RAYMOND R. DIFFENDAL, SR., her husband; VIRGINIA I. CARTER and HARRY S. CARTER, JR., her husband; and PHYLLIS B. CLIPP and S. BOBBY CLIPP, her husband; all of Washington County, State of Maryland;

WITNESSETH: That for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the said Jane L. DeBold and Donald E. DeBold, Sr., her husband; Myrtle E. Rhodes and Ellis W. Rhodes, Sr., her husband; Betty L. Diffendal and Raymond R. Diffendal, Sr., her husband; Virginia I. Carter and Harry S. Carter, Jr., her husband; and Phyllis B. Clipp and S. Bobby Clipp, her husband, do hereby grant and convey unto HARRY C. HUTZELL, JR. and MARY JANE HUTZELL, his wife, all our right, title and interest in and to all those two improved parcels of land situate in Washington County, Maryland, and more particularly described as follows:

PARCEL NO. 1: All that parcel of land situate on the South side of the Mill dam and opposite the Town of Keedysville, Maryland, and beginning at a planted stone standing on the East side of the Washington County Railroad and on the East margin of said road, and running thence North 38° East 7.1 perches to a marked wild cherry tree, thence North 25½° West 1.84 perches to a marked locust tree, thence North 51 3/4° West 13.56 perches into the said mill dam, thence South 40½° West 2 3/4 perches to the outlines of said Washington County Railroad, thence bounding on the outlines thereof to the place of beginning; CONTAINING 80 square perches of land, more or less.

PARCEL NO. 2: All that small strip of land lying contiguous to Parcel No. 1 and beginning at a planted stone standing on the East side of said Washington County Railroad, it being also the beginning of Parcel No. 1, and running with the first line of Parcel No. 1 North 38° East 7.1 perches to a marked wild cherry tree, now a locust post, thence running Southwesterly 29 5/12 feet to "D" on the Plat, thence 91½ feet to the limits of said railroad at "E" on said Plat, thence 1 foot in a straight line to the beginning; CONTAINING 306 square feet of land, more or less.

Together with a certain right of way and use of a wagon road commencing at a stone planted at the West margin of the Washington County Railroad at the point Aaron Cost, a former Grantor, called his railroad crossing, and running along the West boundary of said road South 30 3/4° East 14 perches to a stone, South 36° East 10.6 perches to the lands formerly owned by Jacob Keedy, thence along the division line between said land and the land formerly owned by Aaron Cost to the intersection of the road leading from the dwelling house on the said land formerly owned by Jacob Keedy to the County Road leading from Keedysville to the land formerly owned by Martin Eakle.

The above-mentioned Plat is recorded in Liber 143, at the bottom of folio 383, one of the Land Records of Washington County, Maryland.

Being the same property which was conveyed to John H. Cromer and Katherine M. Cromer, his wife, by John W. Holmes and wife, by Deed dated the 25th day of February, A.D. 1938, and recorded among the aforesaid Land Records in Liber 206, folio 164;

MARTIN V. B. BOSTETTER
ATTORNEY AT LAW
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CIRCUIT COURT (Land Records) GMS 402, p. 0394, MSA CE18_352. Date available 09/27/2005. Printed 05/28/2020

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 3:16 PM
To: Michael, Joe
Subject: Re: Concerns in our community

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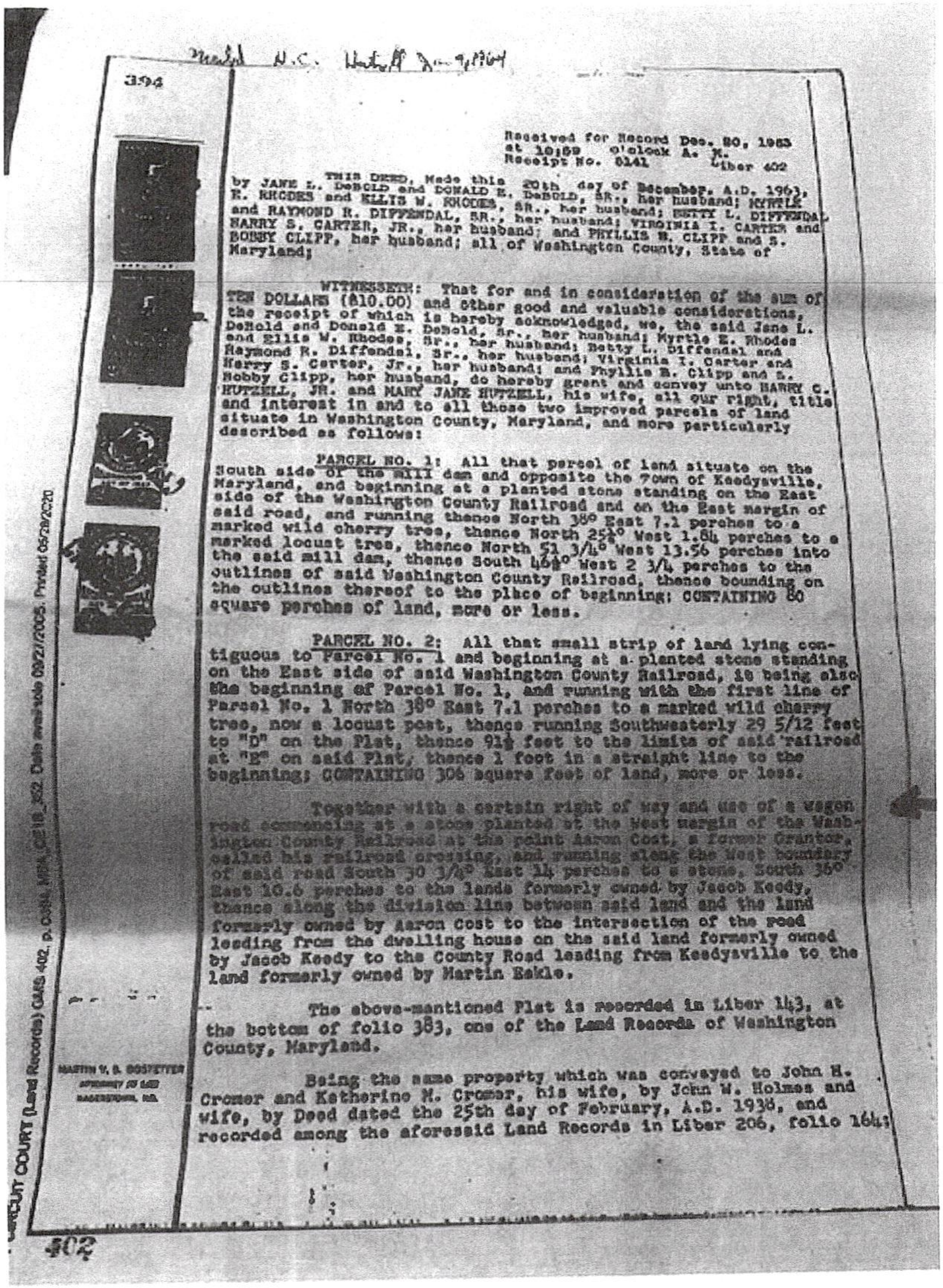

Mailed H.C. Hutzell Jan 9, 1964

394

Received for Record Dec. 20, 1963
at 10:59 o'clock A. M.
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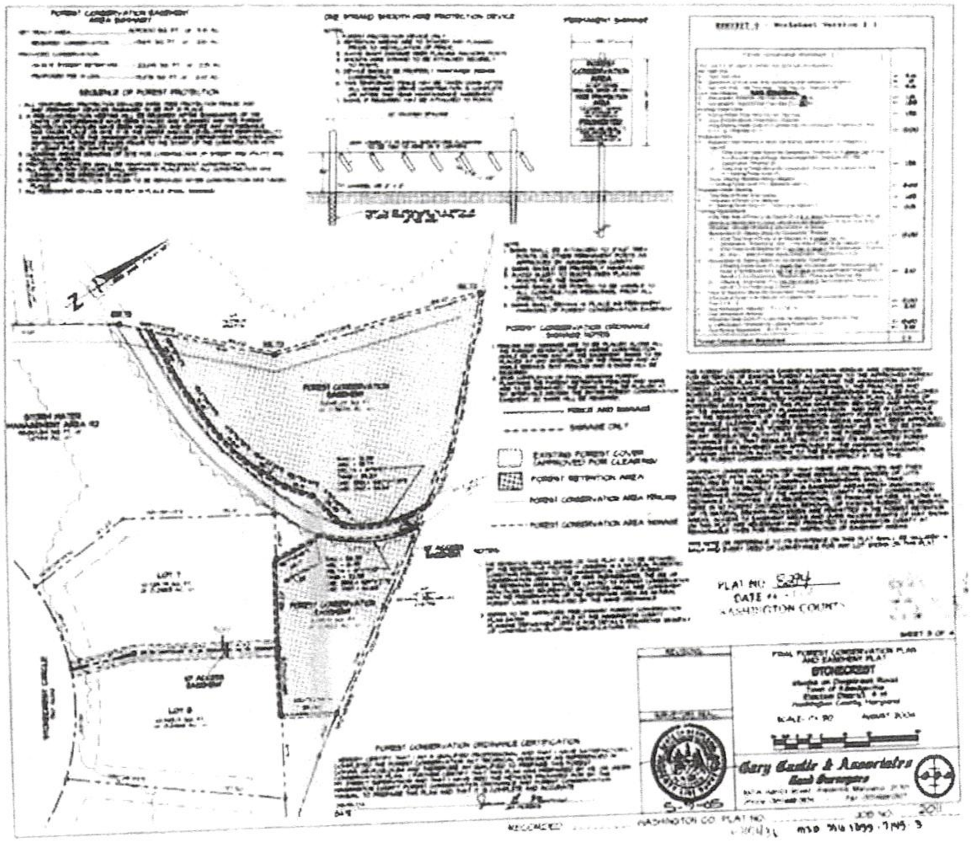
FOREST CONSERVATION EASEMENT
PLAT NO.
DATE
WASHINGTON COUNTY
SHEET 3 OF 4
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STONECREST
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Here is the basic problem in criminal court: if he has a recorded piece of paper that says that there is a right of way appurtenant to his property across the neighboring properties, whether it has been extinguished or not,
and whether it will win him a civil suit or not won't matter. He just has to generate a reasonable doubt as to whether he has a right or not, and the State has the burden of proving that he does not, which without a Circuit Court order showing that one of the other parties has quieted the title to the disputed property we can't do in the criminal court, and everyone walks out of court no better off.

The state has filed several citations against Mr. Holder which we will prosecute. My plan is to show that he is violation even if his alleged right is valid because he may violating other state laws..

I encourage you to get the property rights resolved in the Circuit Court, which has the power to enjoin him from disturbing the property until it has resolved the dispute if it finds the appropriate grounds.

My other suggestion is to find out what document he is relying on, and without admitting that it gives him any rights at all demonstrate that even if it does give him rights he still can't cut tree X, or tear down fence Y. It is just an assumption on my part, I am willing to bet that he is exceeding the flimsy "rights" that he is saying the old deeds give him.

The State will help anyway that is appropriate, but criminal court won't get rid of this problem because the District Court has no jurisdiction to determine disputed land rights. It can only enforce violations like destruction and trespass on rights that are recorded in the circuit court land records, or resolved by the circuit court sitting as a court of equity.

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 2:35 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

riveway with gravel through our backyard, under the guides of a deed that has the previous name of owner to his property. His actual deed does not look like the "wagon trail" transferred. We have used, maintained and lived on our small ~1/2 acre for four years. It was developed and surveyed back in 2005. The large beautiful 50 foot trees and large rail road (tons) rock are evidence that the "wagon trail" has not existed in at least 50 years.

Sent from my iPhone

> On Jun 26, 2020, at 2:14 PM, Michael, Joe <jmichael@washco-md.net> wrote:
>
> You'll have to give me some facts to comment any further, which I understand you are hesitant to do. I spoke at length the Natural Resources Police Officer, and when it

comes to the State land he is asserting some kind of alleged possessory or use right to the State Parks Property. If he is asserting some kind of right to use, be on, change, or alter your property then that is exactly what your title insurance is for, to guarantee that you have what the title insurance company and title search said you were paying for, and to get this sort of thing straightened out.

I am in the dark as to what kind of claim you are asserting, but I hope that you found this helpful.

Sent from my iPad

On Jun 26, 2020, at 1:36 PM, Christine Morral <morral7@msn.com> wrote:

WARNING!! This message originated from an **External Source.** Please
opening attachments, clicking links, or responding to this email.

Any claims of being a County official or employee should be disregard

Please
thank
her

Sent
from
my
iPhone

On Jun 26, 2020, at
7

10:07AM, Christine Morral <morral7@msn.com> wrote: Good 8 morning Mr. Michael. I understand that you prefer email c ontact. However, the situation in our community may have risen to my fear of retaliation. The people involved have requested all communication via FOIA from Town Hall. So, I believe they would do that without our contact as well. I wou

Id be happy to talk with you on the phone. I just do not want a nything to happen to me, my family or animals. Thank you,

Christine and Scott Morral

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Monday, June 29, 2020 7:54 AM
To: Michael, Joe
Subject: Re: Concerns in our community

3rd page of our plat record. Highlighted area is the damage he intentionally caused on one side. Our lot is 9 below 8. No easement exists. Looks like Forest conservation. I don't know who regulates that.
Waiting to hear from Title ins.

Sent from my iPhone

> On Jun 29, 2020, at 7:49 AM, Christine Morral <morral7@msn.com> wrote:
>
> <image0.jpeg>
>
> Sent from my iPhone
>
>> On Jun 26, 2020, at 4:41 PM, Christine Morral <morral7@msn.com> wrote:
>>
>> Yep. You pegged him. He damaged the DNR property while deputies watched. Against Cody Linton's (DNRP) lawful order the week before to stop all activity until ownership could be determined (reasonable).
>> Very kind of you to spend your time today. The biggest emergency is when it's yours.
>> Thank you for your patience. You can't make it up
>> Enjoy your weekend
>>
>> Sent from my iPhone
>>
>>> On Jun 26, 2020, at 4:26 PM, Michael, Joe <jmichael@washco-md.net> wrote:
>>>
>>> Right – and it is actually the deeds *in your* chain that matter more where someone who owned the parcel your house is on before you granted the easement.
>>>
>>> There are other controlling factors here, besides the deeds, though. So stick to your guns and get what you paid for from your title insurance

and get the paperwork signed sealed and delivered in the circuit court so that if it comes to a criminal action in the district court there is something solid.

Having dealt with people like this before as long as there is something gray, they know the state's criminal enforcement hands are tied.

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 4:13 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

This is not his deed. It is the old deed for the property (previous owners)
His current deed most likely does not have the wagon trail on it or he would be showing everyone his current deed. The settlement attorney called back and said the trail probably dropped off. He said if that is the case, the title ins co may not do anything because it would be clear there is no property dispute.
So, they will begin their work and get back to me.
Again, thank you very much!

Sent from my iPhone

> On Jun 26, 2020, at 3:47 PM, Michael, Joe <jmichael@washco-md.net> wrote:
>
> Exactly, ma'am. This is the not the first time that this office has had to deal with this kind of thing. My first advice is to always call the title insurance company, that's what it is for. Once that action is filed, if there is a good basis for the action, the Circuit Court should enjoin everybody from damaging anything.
>
> I regret that you have to go through this, but I can sympathize. I can think of three times that I have personally been involved in disputes of this nature with my own or my family's property.
>
> In the meantime if he ventures outside this tiny slice of America where he has a colorable claim, or threatens you after your suit is filed, then contact me immediately.

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 3:16 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

Our settlement attorney is working with our title ins to do a quiet deed now. Turns out we have to notify them of threats to our property so I'm glad I called.
Enjoy your weekend and thank you for your help.

Sent from my iPhone

> On Jun 26, 2020, at 3:03 PM, Christine Morral <morral7@msn.com> wrote:
>
> <image0.jpeg>
>
> Here is the old deed he is relying on..."wagon trail"
> Sent from my iPhone
>
>> On Jun 26, 2020, at 2:56 PM, Michael, Joe <jmichael@washco-md.net> wrote:
>>
>> Okay. I am not an expert in this kind of civil proceeding, but if you have title insurance, and the existence of a claim of a existing wagon trail in the chains of title on file was not disclosed to you in your title search, it's your title insurer's duty to put this right.

Here is the basic problem in criminal court: if he has a recorded piece of paper that says that there is a right of way appurtenant to his property across the neighboring properties, whether it has been extinguished or not, and whether it will win him a civil suit or not won't matter. He just has to generate a reasonable doubt as to whether he has a right or not, and the State has the burden of proving that he does not, which without a Circuit Court order showing that one of the other parties has quieted the title to the disputed property we can't do in the criminal court, and everyone walks out of court no better off.

The state has filed several citations against Mr. Holder which we will prosecute. My plan is to show that he is violation even if his alleged right is valid because he may violating other state laws..

I encourage you to get the property rights resolved in the Circuit Court, which has the power to enjoin him from disturbing the property until it has resolved the dispute if it finds the appropriate grounds.

My other suggestion is to find out what document he is relying on, and without admitting that it gives him any rights at all demonstrate that even if it does give him rights he still can't cut tree X, or tear down fence Y. It is just an assumption on my part, I am willing to bet that he is exceeding the flimsy "rights" that he is saying the old deeds give him.

The State will help anyway that is appropriate, but criminal court won't get rid of this problem because the District Court has no jurisdiction to determine disputed land rights. It can only enforce violations like destruction and trespass on rights that are recorded in the circuit court land records, or resolved by the circuit court sitting as a court of equity.

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 2:35 PM
To: Michael, Joe <jmichael@washco-md.net>
Subject: Re: Concerns in our community

riveway with gravel through our backyard, under the guides of a deed that has the previous name of owner to his property. His actual deed does not look like the "wagon trail" transferred. We have used, maintained and lived on our small ~1/2 acre for four years. It was developed and surveyed back in 2005. The large beautiful 50 foot trees and large rail road (tons) rock are evidence that the "wagon trail" has not existed in at least 50 years.

Sent from my iPhone

On Jun 26, 2020, at 2:14 PM, Michael, Joe <jmichael@washco-md.net> wrote:

You'll have to

give me some facts to comment any further, which I understand you are hesitant to do. I spoke at length the Natural Resources Police Officer, and when it comes to the State land he is asserting some kind of alleged possessory or use right to the State Parks Property. If he is asserting some kind of right to use, be on, change, or alter your property then that is exactly what your title insurance is for, to guarantee that you have what the title insurance company and title search said you were paying for, and to get this sort of thing straightened out.

I am in the dark as to what kind of claim you are asserting, but I hope that you found this helpful.

Sent
from
my iPad

On Jun 26, 2020, at 1:36 PM, Christine Morrall <morral

7@msn.com> wrote:

Pleasethankh

er

Sent from my iPhone

On Jun 26, 2020, at 10:07 AM, Chris

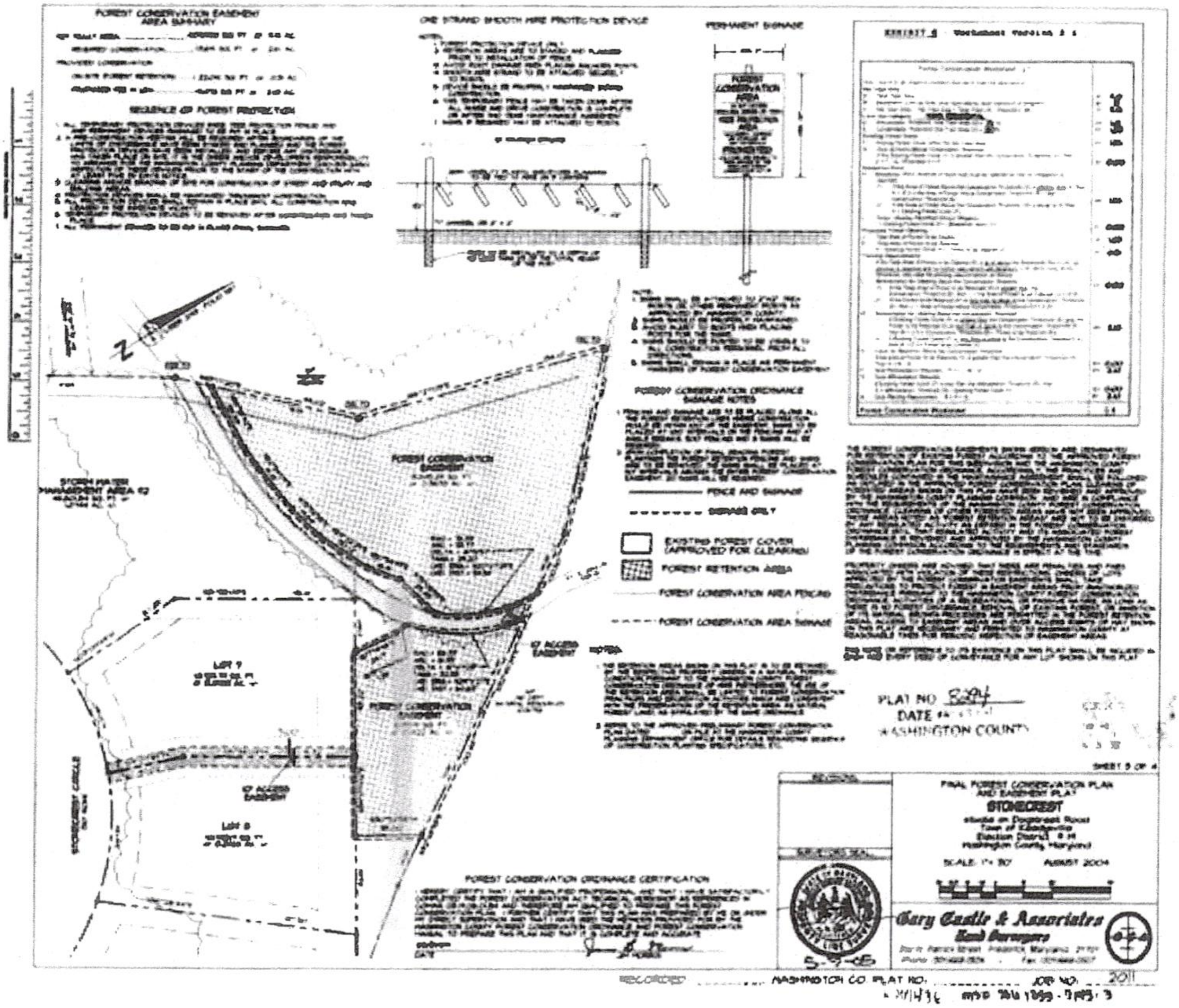
tineMorral<morral7@msn.com>wrote:

GoodmorningMr.Mi

chael. I understand that you prefer email contact. Howev er, the situation in our community may have risen to my fea for retaliation. The people involved have requested all communication via FOIA from Town Hall. So, I believe they would do that with our contacts as well. I would be happy to t alk with you on the phone. I just do not want anything to hap pen to me, my family or animals. Thank you, Christine and

22

Scott Morral


FOREST CONSERVATION EASEMENT AREA SUMMARY
SEQUENCE OF FOREST PROTECTION
ONE STRAND SMOOTH WIRE PROTECTION DEVICE
PERMANENT SIGNAGE
FOREST CONSERVATION AREA
EXHIBIT 6
Forest Conservation Worksheet
N
STORM WATER MANAGEMENT AREA #2
FOREST CONSERVATION EASEMENT
FOREST CONSERVATION ORDINANCE SIGNAGE NOTES
FENCE AND SIGNAGE
SIGNAGE ONLY
EXISTING FOREST COVER (APPROVED FOR CLEARING)
FOREST RETENTION AREA
FOREST CONSERVATION AREA FENCING
FOREST CONSERVATION AREA SIGNAGE
NOTES:
LOT 7
LOT 8
ACCESS EASEMENT
STONECREST CIRCLE
FOREST CONSERVATION ORDINANCE CERTIFICATION
DATE
PLAT NO 8294
DATE
WASHINGTON COUNTY
SHEET 3 OF 4
REVISIONS
SURVEYOR'S SEAL
5-9-05
FINAL FOREST CONSERVATION PLAN AND EASEMENT PLAT
STONECREST
SCALE: 1" = 30'
AUGUST 2004
Gary Castle & Associates
Land Surveyors
Frederick, Maryland
RECORDED
WASHINGTON CO. PLAT NO.
JOB NO. 2011

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Friday, June 26, 2020 1:34 PM
To: Michael, Joe
Subject: Re: Concerns in our community

We do have land title ins. I guess I should start there, to try to get our property protected. Would they help?

Sent from my iPhone

> On Jun 26, 2020, at 10:15 AM, Michael, Joe <jmichael@washco-md.net> wrote:
>
> I completely understand.
>
> The State's Attorneys Office conducts its business in the sunshine, and subject to the Maryland Public Information Act (MPIA), which would apply *after* the close of any criminal investigation. If charges are filed, then the Defendant in any charge is entitled to any statements of any witness against him or her, so talking on the phone will not protect your identity or communication from discovery in a criminal case. Ultimately, it's six of one, 1/2 dozen of the others.
>
> If you wish to have the State's help, those are the rules.
>
> So, please e-mail if you have concerns that may be criminal in nature (such as trespass or destruction of property), but rest assured that eventually, whether through discovery or MPIA, your communications with this office are not confidential.
>
> With all of that being said, if confidentiality of your communication is your paramount concern, perhaps you should consult with a private attorney, with whom your communication *would* be confidential.
>
> Sent from my iPad
>
>> On Jun 26, 2020, at 10:08 AM, Christine Morral <morral7@msn.com> wrote:
>>
>> WARNING!! This message originated from an **External Source**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.
>>
>> Any claims of being a County official or employee should be disregarded.
>>
>> Good morning Mr. Michael. I understand that you prefer email contact.
>> However, the situation in our community may have risen to my fear of
>> retaliation. The people involved have requested all communication via FOIA from

Town Hall. So, I believe they would do that with our contact as well.I would be happy to talk with you on the phone. I just do not want anything to happen to me, my family or animals.

Thank you,
Christine and Scott Morral

McCarty, Rachael

From: Christine Morral <morral7@msn.com>
Sent: Saturday, July 4, 2020 4:53 PM
To: jmichael@washco-md.net
Subject: Re: Justin Holder

Last evening he took out peace orders against both Scott and I and the land owner with the majority of his damage on May 29th. Jeff Young We are even more fearful of him now. We feel it was retaliatory and continued intimidating harassment. Our peace orders were registered on the case Judiciary at 2:30 for the public to see. We believe he saw it and knew it was two of the three of us who filed them. We believe it led to him filing one against all three of us 9 hours later. We were served but the police can not locate him. We gave the police 4 different possible locations. On our peace order we stated and swore an oath that we saw him within our clearly marked do not trespass signs on June 24th at about 2pm. We filed our orders because the DNR Park manager and a DNRP (On July 1st during a visit to clearly mark their property lines in yellow paint on the trees and rocks lining their property) heard him say he was going to take our fence down on Monday or Tuesday and plow a driveway through our yard. They cautioned him against it and told him he should be going through the correct legal steps if he thinks he has a right to do so. They told him intentionally damaging property would not be a good idea until he goes through the correct legal path for claim. We filed because the park manager said that based on his demeanor, she feels he will do it anyway against their reasonable suggestion of correct legal steps. We are terrified. Coming through someones property with a bulldozer was, and would be again, very terrifying. I would assume it would be malicious intent to destroy property and intent to intimidate and scare us.
unbelievable!

Sent from my iPhone

Jacob Weddle

Subject: PIA Request to Washington County
Attachments: Responsive Emails Bates .pdf

---------- Forwarded message ---------
From: **Jason Parkins** <jparkins@bkcklaw.com>
Date: Tue, Aug 31, 2021, 5:03 PM
Subject: RE: PIA Request to Washington County
To: Justin Holder <jholder2004@gmail.com>
Cc: Downey, Kirk <kdowney@washco-md.net>, Kevin Karpinski <kevin@bkcklaw.com>

Mr. Holder,

I am contacting you on behalf of Mr. Karpinski, in response to your email below. Attached is a version of the records our office previously provided to you, Bates numbered as "Holder PIA Response 1–73" which includes one email that was inadvertently omitted. That email is dated July 3, 2020, with the subject line "Justin Holder." Do not hesitate to contact our office should you have any questions or concerns, thanks.

Best regards,

Jason C. Parkins, Esq.

Karpinski, Cornbrooks & Karp, P.A.

120 East Baltimore Street

Suite 1850

Baltimore, Maryland 21202

Telephone: 410-727-5000

Facsimile: 410-727-0861

jparkins@bkcklaw.com

RESPONDENT'S EXHIBIT 10
PENGAD 800-631-6989

From: Justin Holder <jholder2004@gmail.com>
Sent: Monday, August 23, 2021 11:19 PM

To: Jason Parkins <jparkins@bkcklaw.com>
Cc: Downey, Kirk <kdowney@washco-md.net>; Kevin Karpinski <kevin@bkcklaw.com>
Subject: Re: PIA Request to Washington County

Mr. Karpinski,

I examined the file briefly this evening. I work nights as I am a mechanic at daytime. I found something interesting.

I noticed all the emails to Mr. Michael were subject Re: concerns in our community

Except

The last email from July 4th, 2020 on page 72 subject re: Justin Holder.

A reply would lead me to believe there was an original correspondence subject Justin Holder. I would like that original email as well please.

Also I would appreciate you email me directly about this MPIA. Mr. Weddle is doing a great job for me. However I explained to Mr. Downey and Bright earlier this year that unless they are paying the bill to please contact me directly about MPIA. You are welcome to contact Mr. Weddle as it relates to the ongoing litigation as would be appropriate. This is a real pet peeve of mine, the Government has a general lack of integrity and is willing to run up Attorney bills to hide behind priveledge. I can appreciate in this situation the very closely related nature of the 2 matters and perhaps confusion. I can tell you it was this lack of integrity that really led into the current grievance. I insist on full transparency and I am sure you can appreciate and respect that.

Please reply to me directly as it relates to this MPIA email request.

Thank you,

Justin Holder

(240) 356 2008

On Mon, Aug 23, 2021, 9:28 PM Justin Holder <jholder2004@gmail.com> wrote:

> Mr. Karpinski,
>
> Thank you very much for fulfilling my request.
>
> I just want to add that you missed a few. On June 2nd, 2020 the address <blevey@washco-md.net > was forwarded emails from <townhall@keedysvillemd.com > that originated from <Morral7@msn.com > on May 29th, 2020.
>
> I also requested those emails. Would you kindly provide those by September 1st, 2021.
>
> Have a good evening,
>
> Justin Holder
>
> On Mon, Aug 23, 2021, 4:59 PM Jason Parkins <jparkins@bkcklaw.com> wrote:
>
>> Mr. Holder,
>>
>> Please find the attached correspondence sent on behalf of Kevin Karpinski. Thank you.
>>
>> Best regards,

Jason C. Parkins, Esq.

Karpinski, Cornbrooks & Karp, P.A.

120 East Baltimore Street

Suite 1850

Baltimore, Maryland 21202

Telephone: 410-727-5000

Facsimile: 410-727-0861

jparkins@bkcklaw.com

KARPINSKI, CORNBROOKS & KARP, P.A.
ATTORNEYS AT LAW
120 East Baltimore Street, Suite 1850
Baltimore, Maryland 21202-1617

KEVIN KARPINSKI *
E. I. CORNBROOKS, IV
MICHAEL B. RYND

J. MICHAEL COLLITON *
DANIEL M. SCAPARDINE
JASON C. PARKINS
ASHLEY C. FISHER

* Admitted in MD and DC

Telephone 410-727-5000
Facsimile 410-727-0861
Email: kevin@bkcklaw.com
Website: www.kcklegal.com

DANIEL KARP *
OF COUNSEL

RICHARD T. COLARESI
RETIRED

August 23, 2021

Via Electronic Mail Only
Justin Holder
Jholder2004@gmail.com

Re: PIA Request to Washington County
My File No.: 341-125

Dear Mr. Holder:

As you know, my office represents Washington County (the "County") in certain matters. I have exchanged numerous telephone calls with your attorney, Jacob I. Weedle, concerning the most recent request for records that you made to the County pursuant to Maryland Public Information Act, Maryland Code, § 4-101 *et seq*. of the General Provisions Article. Please find the attached emails that are responsive to your request.

Feel free to contact me if you have any concerns about this letter. If you have any questions regarding the Public Information Act process, you may also contact the Public Access Ombudsman pursuant to Maryland Code, §4-1B-01 of the General Provisions Article.

Best regards,

Karpinski, Cornbrooks & Karp, P.A.

/s/

By: Kevin Karpinski

Attachments

Kevin Karpinski

From:	Kevin Karpinski
Sent:	Sunday, July 10, 2022 6:42 PM
To:	Justin Holder; Downey, Kirk
Cc:	Desaulniers, Kendall A.; Jason Parkins; Brenda Pizanis; SAO General; Adam Grievell; Jacob Weddle
Subject:	Re: 342-102, PIA Request to Washington County regarding the Civil War Trail

Mr. Holder- You are represented by two law firms. It is too difficult to discern when it is ethically appropriate to respond to you or your lawyers. I am copying them on this email. The County will not respond to you directly. You are far too litigious to deal with as a supposed pro se litigant when you have retained counsel on related matters and have an unconscionable number of cases pending in the Circuit Court for Washington County. Please have one of your two sets of lawyers contact me if you feel it is appropriate. Kevin

Kevin Karpinski
Karpinski, Cornbrooks & Karp, P.A.
120 East Baltimore Street
Suite 1850
Baltimore, Maryland 21202-1617
410-727-5000
Fax 410-727-0861
Cell 301-502-5834

This electronic message transmission contains information that may be confidential or privileged. The information is intended to be for the use of the individual or entity named above. If you have received this communication in error, please re-send this communication to the sender and delete the original message and any copy of it from your computer system. Thank you.

Mr. Downey,

I made a request pursuant to the Maryland Public Information Act to photograph public records related to communications with citizens of Washington County related to the Civil War Rail Trail contained on the data storage of Washington County employee Andrew Eschelman or other employees; ON or before June 1st, 2022.

It is now July 10th, 2022 and having no response this is yet another malicious, willful and knowing denial of inspection of Public Records and the legislature has made such behavior a crime.

I am writing to you one last time. I know the County is busy, and if the denial is just an oversight I want to give you the opportunity to allow inspection by the Public of our records. Please let me know this week when I may come in and take my photographs.

Respectfully,

Justin Holder

PENGAD 800-631-6989
RESPONDENT'S
EXHIBIT
11

Kevin Karpinski

om: Jacob Weddle <jweddle@rwclawyers.com>
ent: Tuesday, August 9, 2022 5:35 PM
To: Kevin Karpinski
Cc: Jason Parkins
Subject: RE: Depositions in Holder

Dear Messrs. Karpinski and Parkins:

Further to the below, and Judge Wilson's recent order entered on July 28th, I would like to coordinate scheduling the deposition of Mr. B. Andrew Bright, Esq. I propose to conduct Mr. Bright's deposition on either August 29, 30, 31 or September 2. I would like to begin Mr. Bright's deposition at 10am.

Before the close of business on Friday, August 12, 2022, please advise your availability and the availability of Mr. Bright on the above dates so that we can schedule the deposition.

Thank you in advance for your cooperation in producing Mr. Bright for deposition.

Sincerely,

Jacob I. Weddle, Esq.
Remus, Weddle & Cavenee, LLC

REMUS,
WEDDLE,
& CAVENEE
ATTORNEYS AT LAW

18 West Church Street, 2nd Floor
Frederick, Maryland 21701
www.rwclawyers.com
Office: 301-206-5770
Cell: 240-602-3023
Fax: 301-206-5771

This e-mail, and any attachments thereto, contains confidential information that is legally privileged. The information is intended only for the use of the addressee. If you are not the intended recipient, you are hereby notified that this e-mail was sent to you inadvertently, and that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this e-mail in error, please immediately notify us by telephone at 301-206-5770 and permanently delete the original and any copy of any e-mail/attachment and any printout thereof.

From: Kevin Karpinski <kevin@bkcklaw.com>
Sent: Wednesday, July 20, 2022 9:55 AM
To: Jacob Weddle <jweddle@rwclawyers.com>
Cc: Jason Parkins <jparkins@bkcklaw.com>
bject: Depositions in Holder

Jacob- As I previously mentioned, I serve as the attorney for the Montgomery County Board of Elect
canvass tomorrow at 10 and it is scheduled for Thursday, Friday, Saturday and Monday. The Provisic

RESPONDENT'S
EXHIBIT
12
PENGAD 800-631-6989

statute on Wednesday July 27 and the next vote by mail canvass commences Friday, July 29, 2022. I am required to be present for the canvass, particularly since we have some close elections and a lot of outstanding vote by mail ballots to be counted.

. will certainly cooperate with you on producing witnesses if the court agrees with your position. Also, I am willing to adjust any of the current deadlines so that you are not disadvantaged at all. Thank you for your understanding. Kevin

Kevin Karpinski
Karpinski, Cornbrooks & Karp, P.A.
120 East Baltimore Street
Suite 1850
Baltimore, Maryland 21202-1617
410-727-5000
Fax 410-727-0861
Cell 301-502-5834

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